



# Senate

General Assembly

**File No. 237**

January Session, 2007

Substitute Senate Bill No. 1044

*Senate, April 2, 2007*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING DISCRIMINATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-51 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 As used in section 4a-60a and this chapter:

4 (1) "Blind" refers to an individual whose central visual acuity does  
5 not exceed 20/200 in the better eye with correcting lenses, or whose  
6 visual acuity is greater than 20/200 but is accompanied by a limitation  
7 in the fields of vision such that the widest diameter of the visual field  
8 subtends an angle no greater than twenty degrees;

9 (2) "Commission" means the Commission on Human Rights and  
10 Opportunities created by section 46a-52;

11 (3) "Commission legal counsel" means a member of the legal staff  
12 employed by the commission pursuant to section 46a-54;

- 13       (4) "Commissioner" means a member of the commission;
- 14       (5) "Court" means the Superior Court or any judge of said court;
- 15       (6) "Discrimination" includes segregation and separation;
- 16       (7) "Discriminatory employment practice" means any discriminatory  
17 practice specified in section 46a-60, as amended by this act, or 46a-81c;
- 18       (8) "Discriminatory practice" means a violation of section 4a-60, as  
19 amended by this act, 4a-60a, 46a-58, as amended by this act, 46a-59, as  
20 amended by this act, 46a-60, as amended by this act, 46a-64, as  
21 amended by this act, 46a-64c, as amended by this act, 46a-66, as  
22 amended by this act, 46a-68, sections 46a-70 to 46a-78, inclusive, as  
23 amended by this act, subsection (a) of section 46a-80, or sections 46a-  
24 81b to 46a-81o, inclusive;
- 25       (9) "Employee" means any person employed by an employer but  
26 shall not include any individual employed by such individual's  
27 parents, spouse or child, or in the domestic service of any person;
- 28       (10) "Employer" includes the state and all political subdivisions  
29 thereof and means any person or employer with three or more persons  
30 in such person's or employer's employ;
- 31       (11) "Employment agency" means any person undertaking with or  
32 without compensation to procure employees or opportunities to work;
- 33       (12) "Labor organization" means any organization which exists for  
34 the purpose, in whole or in part, of collective bargaining or of dealing  
35 with employers concerning grievances, terms or conditions of  
36 employment, or of other mutual aid or protection in connection with  
37 employment;
- 38       (13) "Mental retardation" means mental retardation as defined in  
39 section 1-1g;
- 40       (14) "Person" means one or more individuals, partnerships,  
41 associations, corporations, limited liability companies, legal

42 representatives, trustees, trustees in bankruptcy, receivers and the state  
43 and all political subdivisions and agencies thereof;

44 (15) "Physically disabled" refers to any individual who has any  
45 chronic physical handicap, infirmity or impairment, whether  
46 congenital or resulting from bodily injury, organic processes or  
47 changes or from illness, including, but not limited to, epilepsy,  
48 deafness or hearing impairment or reliance on a wheelchair or other  
49 remedial appliance or device;

50 (16) "Respondent" means any person alleged in a complaint filed  
51 pursuant to section 46a-82 to have committed a discriminatory  
52 practice;

53 (17) "Discrimination on the basis of sex" includes but is not limited  
54 to discrimination related to pregnancy, child-bearing capacity,  
55 sterilization, fertility or related medical conditions;

56 (18) "Discrimination on the basis of religious creed" includes but is  
57 not limited to discrimination related to all aspects of religious  
58 observances and practice as well as belief, unless an employer  
59 demonstrates that the employer is unable to reasonably accommodate  
60 to an employee's or prospective employee's religious observance or  
61 practice without undue hardship on the conduct of the employer's  
62 business;

63 (19) "Learning disability" refers to an individual who exhibits a  
64 severe discrepancy between educational performance and measured  
65 intellectual ability and who exhibits a disorder in one or more of the  
66 basic psychological processes involved in understanding or in using  
67 language, spoken or written, which may manifest itself in a diminished  
68 ability to listen, speak, read, write, spell or to do mathematical  
69 calculations;

70 (20) "Mental disability" refers to an individual who has a record of,  
71 or is regarded as having one or more mental disorders, as defined in  
72 the most recent edition of the American Psychiatric Association's

73 "Diagnostic and Statistical Manual of Mental Disorders"; and

74 (21) "Gender identity or expression" means a person's gender-  
75 related identity, appearance or behavior, whether or not that gender-  
76 related identity, appearance or behavior is different from that  
77 traditionally associated with the person's assigned sex at birth.

78 Sec. 2. (NEW) (*Effective October 1, 2007*) As used in sections 4a-60, 8-  
79 169s, 8-265c, 8-294, 8-315, 10-15c, 10-153, 10a-6, 11-24b, 16-245r, 16-247r,  
80 28-15, 31-22p, 31-57e, 32-204, 32-277, 38a-358, 42-125a, 42-125b, 52-571d  
81 and 53-37a of the general statutes, as amended by this act, and section  
82 37 of this act, "gender identity or expression" means a person's gender-  
83 related identity, appearance or behavior, whether or not that gender-  
84 related identity, appearance or behavior is different from that  
85 traditionally associated with the person's assigned sex at birth.

86 Sec. 3. Subsection (a) of section 4a-60 of the general statutes is  
87 repealed and the following is substituted in lieu thereof (*Effective*  
88 *October 1, 2007*):

89 (a) Every contract to which the state or any political subdivision of  
90 the state other than a municipality is a party shall contain the  
91 following provisions: (1) The contractor agrees and warrants that in  
92 the performance of the contract such contractor will not discriminate  
93 or permit discrimination against any person or group of persons on the  
94 grounds of race, color, religious creed, age, marital status, national  
95 origin, ancestry, sex, gender identity or expression, mental retardation  
96 or physical disability, including, but not limited to, blindness, unless it  
97 is shown by such contractor that such disability prevents performance  
98 of the work involved, in any manner prohibited by the laws of the  
99 United States or of the state of Connecticut. The contractor further  
100 agrees to take affirmative action to insure that applicants with job-  
101 related qualifications are employed and that employees are treated  
102 when employed without regard to their race, color, religious creed,  
103 age, marital status, national origin, ancestry, sex, gender identity or  
104 expression, mental retardation, or physical disability, including, but  
105 not limited to, blindness, unless it is shown by such contractor that

106 such disability prevents performance of the work involved; (2) the  
107 contractor agrees, in all solicitations or advertisements for employees  
108 placed by or on behalf of the contractor, to state that it is an  
109 "affirmative action-equal opportunity employer" in accordance with  
110 regulations adopted by the commission; (3) the contractor agrees to  
111 provide each labor union or representative of workers with which such  
112 contractor has a collective bargaining agreement or other contract or  
113 understanding and each vendor with which such contractor has a  
114 contract or understanding, a notice to be provided by the commission  
115 advising the labor union or workers' representative of the contractor's  
116 commitments under this section, and to post copies of the notice in  
117 conspicuous places available to employees and applicants for  
118 employment; (4) the contractor agrees to comply with each provision  
119 of this section and sections 46a-68e and 46a-68f and with each  
120 regulation or relevant order issued by said commission pursuant to  
121 sections 46a-56, 46a-68e and 46a-68f; (5) the contractor agrees to  
122 provide the Commission on Human Rights and Opportunities with  
123 such information requested by the commission, and permit access to  
124 pertinent books, records and accounts, concerning the employment  
125 practices and procedures of the contractor as relate to the provisions of  
126 this section and section 46a-56. If the contract is a public works  
127 contract, the contractor agrees and warrants that he will make good  
128 faith efforts to employ minority business enterprises as subcontractors  
129 and suppliers of materials on such public works project.

130 Sec. 4. Subsection (c) of section 8-169s of the general statutes is  
131 repealed and the following is substituted in lieu thereof (*Effective*  
132 *October 1, 2007*):

133 (c) The legislative body may, by resolution, vote to transfer the  
134 urban homesteading property with or without compensation to the  
135 applicant selected pursuant to subsection (b) of this section. Such  
136 transfer shall be made pursuant to a contract of sale and rehabilitation  
137 or construction which shall provide among other things that (1) the  
138 property transferred be rehabilitated or constructed predominantly for  
139 residential use and be brought into and maintained in conformity with

140 applicable health, housing and building code standard; (2) the  
141 rehabilitation or construction shall commence and be completed  
142 within a period of time as determined by the urban homesteading  
143 agency; (3) prior to the issuance of a certificate of occupancy by the  
144 building official no transfer of the property or any interest therein,  
145 except a transfer to a bona fide mortgagee or similar lien holder, may  
146 be made by the homesteader without the approval of the urban  
147 homesteading agency, provided any such transfer may only be made  
148 for a consideration not in excess of the cost of the property to the  
149 homesteader together with the costs of any improvements made or  
150 construction thereon by the homesteader; (4) in the sale or rental of the  
151 property, or any portion of such property, no person shall be  
152 discriminated against because of such person's race, color, religion,  
153 sex, gender identity or expression or national origin; and (5)  
154 representatives of the urban homesteading agency, the municipality,  
155 and where state or federal assistance is involved, representatives of the  
156 federal and state governments, shall have access to the property  
157 during normal business hours for the purpose of inspecting  
158 compliance with the provisions of this subsection.

159 Sec. 5. Section 8-265c of the general statutes is repealed and the  
160 following is substituted in lieu thereof (*Effective October 1, 2007*):

161 The authority shall require that occupancy of all housing financed  
162 or otherwise assisted under this chapter be open to all persons  
163 regardless of race, creed, color, national origin or ancestry, [or] sex or  
164 gender identity or expression and that the contractors and  
165 subcontractors engaged in the construction or rehabilitation of such  
166 housing shall take affirmative action to provide equal opportunity for  
167 employment without discrimination as to race, creed, color, national  
168 origin or ancestry, [or] sex or gender identity or expression.

169 Sec. 6. Subsection (c) of section 8-294 of the general statutes is  
170 repealed and the following is substituted in lieu thereof (*Effective*  
171 *October 1, 2007*):

172 (c) The legislative body may, by resolution, vote to transfer the

173 urban rehabilitation property with or without compensation to the  
174 person selected pursuant to subsection (b) of this section. Such transfer  
175 shall be made pursuant to a contract of sale and rehabilitation which  
176 shall provide among other things that (1) the property transferred be  
177 rehabilitated predominantly for industrial or commercial use and be  
178 brought into and maintained in conformity with applicable health,  
179 housing and building code standards; (2) that the rehabilitation shall  
180 commence and be completed within a period of time as determined by  
181 the urban rehabilitation agency; (3) prior to the issuance of a certificate  
182 of occupancy by the building official, no transfer of the property or any  
183 interest therein, except a transfer to a bona fide mortgagee or similar  
184 lien holder, may be made by the rehabilitator without the approval of  
185 the urban rehabilitation agency, provided any such transfer may only  
186 be made for a consideration not in excess of the cost of the property to  
187 the rehabilitator together with the costs of any improvements made  
188 thereon by the rehabilitator; (4) in the sale or rental of the property, or  
189 any portion of such property, no person shall be discriminated against  
190 because of such person's race, color, religion, sex, gender identity or  
191 expression or national origin; (5) representatives of the urban  
192 rehabilitation agency, representatives of the municipality, and if state  
193 or federal assistance is involved, representatives of the federal and  
194 state governments shall be allowed access to the property during  
195 normal business hours for the purpose of inspecting compliance with  
196 the provisions of this subsection.

197 Sec. 7. Section 8-315 of the general statutes is repealed and the  
198 following is substituted in lieu thereof (*Effective October 1, 2007*):

199 The municipality shall take all necessary steps to insure that  
200 occupancy of all housing financed or otherwise assisted pursuant to  
201 this chapter be open to all persons regardless of race, creed, color,  
202 national origin or ancestry, sex, gender identity or expression, age or  
203 physical disability.

204 Sec. 8. Subsection (a) of section 10-15c of the general statutes is  
205 repealed and the following is substituted in lieu thereof (*Effective*

206     October 1, 2007):

207         (a) The public schools shall be open to all children five years of age  
208     and over who reach age five on or before the first day of January of  
209     any school year, and each such child shall have, and shall be so  
210     advised by the appropriate school authorities, an equal opportunity to  
211     participate in the activities, programs and courses of study offered in  
212     such public schools, at such time as the child becomes eligible to  
213     participate in such activities, programs and courses of study, without  
214     discrimination on account of race, color, sex, gender identity or  
215     expression, religion, national origin or sexual orientation; provided  
216     boards of education may, by vote at a meeting duly called, admit to  
217     any school children under five years of age.

218         Sec. 9. Section 10-153 of the general statutes is repealed and the  
219     following is substituted in lieu thereof (*Effective October 1, 2007*):

220         No local or regional board of education shall discriminate on the  
221     basis of sex, gender identity or expression or marital status in the  
222     employment of teachers in the public schools or in the determination  
223     of the compensation to be paid to such teachers.

224         Sec. 10. Subsection (b) of section 10a-6 of the general statutes is  
225     repealed and the following is substituted in lieu thereof (*Effective*  
226     *October 1, 2007*):

227         (b) Within the limits of authorized expenditures, the policies of the  
228     state system of higher education shall be consistent with the following  
229     goals: (1) To ensure that no qualified person be denied the opportunity  
230     for higher education on the basis of age, sex, gender identity or  
231     expression, ethnic background or social, physical or economic  
232     condition, (2) to protect academic freedom, (3) to provide  
233     opportunities for education and training related to the economic,  
234     cultural and educational development of the state, (4) to assure the  
235     fullest possible use of available resources in public and private  
236     institutions of higher education, (5) to maintain standards of quality  
237     ensuring a position of national leadership for state institutions of



238 higher education, (6) to apply the resources of higher education to the  
239 problems of society, and (7) to foster flexibility in the policies and  
240 institutions of higher education to enable the system to respond to  
241 changes in the economy, society, technology and student interests.  
242 Said board shall review recent studies of the need for higher education  
243 services, with special attention to those completed pursuant to  
244 legislative action, and to meet such needs shall initiate additional  
245 programs or services through one or more of the constituent units.

246 Sec. 11. Subsection (a) of section 11-24b of the general statutes is  
247 repealed and the following is substituted in lieu thereof (*Effective*  
248 *October 1, 2007*):

249 (a) For the fiscal year ending June 30, 1985, and annually thereafter,  
250 each public library shall be eligible to receive a state grant in  
251 accordance with the provisions of subsections (b), (c) and (d) of this  
252 section provided the following requirements are met:

253 (1) An annual statistical report which includes certification that the  
254 grant, when received, shall be used for library purposes is filed with  
255 the State Library Board in such manner as the board may require. The  
256 report shall include information concerning local library governance,  
257 hours of service, type of facilities, library policies, resources, programs  
258 and services available, measurement of levels of services provided,  
259 personnel and fiscal information concerning library receipts and  
260 expenditures;

261 (2) Documents certifying the legal establishment of the public  
262 library in accordance with the provisions of section 11-20 are filed with  
263 the board;

264 (3) The library is a participating library in the Connecticard program  
265 established pursuant to section 11-31b;

266 (4) The public library shall not have had the amount of its annual  
267 tax levy or appropriation reduced to an amount which is less than the  
268 average amount levied or appropriated for the library (A) prior to July

269 1, 1995, for the three fiscal years immediately preceding July 1, 1984,  
270 (B) on and after July 1, 1995, for the three fiscal years immediately  
271 preceding the year of the grant, except that if the expenditures of the  
272 library in any one year in such three-year period are unusually high as  
273 compared with expenditures in the other two years, the library may  
274 request an exception to this requirement and the board, upon review  
275 of the expenditures for that year, may grant an exception;

276 (5) State grant funds shall be expended within two years of the date  
277 of receipt of such funds. If the funds are not expended in that period,  
278 the library shall submit a plan to the State Librarian for the  
279 expenditure of any unspent balance;

280 (6) Public libraries shall provide access to library materials without  
281 charge to individuals residing in the town in which the library is  
282 located or the town in which the contract library is located; and

283 (7) Public libraries shall provide equal access to library service for  
284 all individuals and shall not discriminate upon the basis of age, race,  
285 sex, gender identity or expression, religion, national origin, handicap  
286 or place of residency in the town in which the library is located or the  
287 town in which the contract library is located.

288 Sec. 12. Section 16-245r of the general statutes is repealed and the  
289 following is substituted in lieu thereof (*Effective October 1, 2007*):

290 No electric supplier, as defined in section 16-1, shall refuse to  
291 provide electric generation services to, or refuse to negotiate to provide  
292 such services to any customer because of age, race, creed, color,  
293 national origin, ancestry, sex, gender identity or expression, marital  
294 status, sexual orientation, lawful source of income, disability or  
295 familial status. No electric supplier shall decline to provide electric  
296 generation services to a customer for the sole reason that the customer  
297 is located in an economically distressed geographic area or the  
298 customer qualifies for hardship status under section 16-262c. No  
299 electric supplier shall terminate or refuse to reinstate electric  
300 generation services except in accordance with the provisions of this

301 title.

302 Sec. 13. Section 16-247r of the general statutes is repealed and the  
303 following is substituted in lieu thereof (*Effective October 1, 2007*):

304 No telephone company or certified telecommunications provider, as  
305 defined in section 16-1, shall refuse to provide telecommunications  
306 services to, or refuse to negotiate to provide such services to any  
307 customer because of age, race, creed, color, national origin, ancestry,  
308 sex, gender identity or expression, marital status, sexual orientation,  
309 lawful source of income, disability or familial status. No telephone  
310 company or certified telecommunications provider shall decline to  
311 provide telecommunications services to a customer for the sole reason  
312 that the customer is located in an economically distressed geographic  
313 area or the customer qualifies for hardship status under section  
314 16-262c. No telephone company or certified telecommunications  
315 provider shall terminate or refuse to reinstate telecommunications  
316 services except in accordance with the provisions of this title.

317 Sec. 14. Subsection (b) of section 28-15 of the general statutes is  
318 repealed and the following is substituted in lieu thereof (*Effective*  
319 *October 1, 2007*):

320 (b) No person shall discriminate on the basis of race, color, religious  
321 creed, sex, gender identity or expression, age, national origin, ancestry  
322 or economic status in carrying out any provision of this chapter or any  
323 federal major disaster or emergency assistance function in this state.

324 Sec. 15. Section 31-22p of the general statutes is repealed and the  
325 following is substituted in lieu thereof (*Effective October 1, 2007*):

326 The Labor Commissioner, with the advice and guidance of the  
327 council, shall formulate work training standards which will ensure  
328 necessary safeguards for the welfare of apprentices and a full craft  
329 experience in any skill, in order to provide equal opportunities to all,  
330 without regard to their race, color, religion, sex, gender identity or  
331 expression, age or national origin, and to provide training,

332 employment and upgrading opportunities for disadvantaged workers  
333 to acquire a comprehensive skilled work experience and to extend the  
334 application of such standards of skill training by inclusion thereof in  
335 apprenticeship agreements, and shall bring together representatives of  
336 management and labor for the development of training programs and  
337 terms of apprenticeship incidental thereto and cooperate with state  
338 and federal agencies similarly interested in furtherance of training  
339 requirements in keeping with established and new processes of  
340 Connecticut industries. The Labor Commissioner shall publish  
341 information relating to existing and proposed work standards of  
342 apprenticeship, hold area conferences throughout the state for the  
343 purpose of promoting interest in skilled trades training and appoint  
344 such advisory committees as may be deemed necessary to evaluate the  
345 skilled manpower requirements of Connecticut in order to cope with  
346 any new technological changes in industry.

347 Sec. 16. Subsection (e) of section 31-57e of the general statutes is  
348 repealed and the following is substituted in lieu thereof (*Effective*  
349 *October 1, 2007*):

350 (e) The Employment Rights Code referred to under this section shall  
351 include the following provisions:

352 (1) A commercial enterprise subject to tribal jurisdiction shall not,  
353 except in the case of a bona fide occupational qualification or need,  
354 refuse to hire or employ or bar or discharge from employment any  
355 individual or discriminate against him in compensation or in terms,  
356 conditions or privileges of employment because of the individual's  
357 race, color, religious creed, sex, gender identity or expression, marital  
358 status, national origin, ancestry, age, present or past history of mental  
359 disorder, mental retardation, sexual orientation, learning or physical  
360 disability, political activity, union activity or the exercise of rights  
361 protected by the United States Constitution. This subdivision shall not  
362 be construed to restrict the right of a tribe to give preference in hiring  
363 to members of the tribe.

364 (2) A commercial enterprise subject to tribal jurisdiction shall not

365 deny any individual, including a representative of a labor  
366 organization, seeking to ensure compliance with this section, access to  
367 employees of the tribe's commercial enterprise during nonwork time in  
368 nonwork areas. The tribe shall not permit any supervisor, manager or  
369 other agent of the tribe to restrict or otherwise interfere with such  
370 access.

371 (3) When a labor organization claims that it has been designated or  
372 selected for the purposes of collective bargaining by the majority of the  
373 employees in a unit appropriate for such purposes, the labor  
374 organization may apply to an arbitrator to verify the claim pursuant to  
375 subdivision (4) of this subsection. If the arbitrator verifies that the labor  
376 organization has been designated or selected as the bargaining  
377 representative by a majority of the employees in an appropriate unit,  
378 the tribe shall, upon request, recognize the labor organization as the  
379 exclusive bargaining agent and bargain in good faith with the labor  
380 organization in an effort to reach a collective bargaining agreement.  
381 However, the arbitrator shall disallow any claim by a labor  
382 organization which is dominated or controlled by the tribe.

383 (4) (A) Any individual or organization claiming to be injured by a  
384 violation of any provision of this subsection shall have the right to seek  
385 binding arbitration under the rules of the American Arbitration  
386 Association. Such individual or organization shall file a demand for  
387 arbitration with the tribe not later than one hundred eighty days after  
388 the employee or labor organization knows or should know of the  
389 tribe's violation of any provision of this subsection. The demand shall  
390 state, in plain language, the facts giving rise to the demand.

391 (B) The demand for arbitration shall also be served upon the  
392 Connecticut office of the American Arbitration Association. Absent  
393 settlement, a hearing shall be held in accordance with the rules and  
394 procedures of the American Arbitration Association. The costs and fees  
395 of the arbitrator shall be shared equally by the tribe and the labor  
396 organization.

397 (C) The decision of the arbitrator shall be final and binding on both

398 parties and shall be subject to judicial review and enforcement against  
399 all parties in the manner prescribed by chapter 909.

400 (5) A tribe shall not retaliate against any individual who exercises  
401 any right under the Employment Rights Code. Any individual or  
402 organization claiming to be injured by a violation of the provisions of  
403 this section shall have the right to seek binding arbitration pursuant to  
404 subdivision (4) of this subsection.

405 Sec. 17. Section 32-204 of the general statutes is repealed and the  
406 following is substituted in lieu thereof (*Effective October 1, 2007*):

407 The general purpose of the authority shall be to stimulate new  
408 spending in Connecticut and to encourage the diversification of the  
409 state economy through the construction, operation, maintenance and  
410 marketing of a conference or exhibition facility that will create new  
411 jobs, add to the benefits of the hospitality industry, broaden the base of  
412 the tourism effort and stimulate substantial surrounding economic  
413 development and corresponding increased tax revenues to the state.  
414 The primary purpose of the authority shall be to attract and service  
415 large conventions, tradeshow, exhibitions and conferences, preferably  
416 those whose attendees are predominantly from out-of-state; the  
417 secondary purpose of the authority, at times when its primary purpose  
418 cannot be fulfilled, shall be to attract and service local consumer  
419 shows, exhibitions and events which generate less new spending in  
420 Connecticut. For these purposes, the authority shall have the following  
421 powers: (1) To have perpetual succession as a body corporate and to  
422 adopt procedures for the regulation of its affairs and the conduct of its  
423 business as provided in subsection (f) of section 32-203; to adopt a  
424 corporate seal and alter the same at its pleasure; and to maintain an  
425 office at such place or places within the state as it may designate; (2) to  
426 sue and be sued; to contract and be contracted with, provided, if  
427 management, operating, or promotional contracts or agreements or  
428 other contracts or agreements are entered into with nongovernmental  
429 parties with respect to property financed with the proceeds of  
430 obligations the interest on which is excluded from gross income for

431 federal income taxation, the board of directors will ensure that such  
432 contracts or agreements are in compliance with the covenants of the  
433 authority upon which such tax exclusion is conditioned; (3) to acquire,  
434 by gift, purchase, condemnation or transfer, lands or rights-in-land in  
435 connection therewith and to sell, lease as lessee or as lessor, provided  
436 such activity is consistent with all applicable federal tax covenants of  
437 the authority, transfer or dispose of any property or interest therein  
438 acquired by it, at any time; and to receive and accept aid or  
439 contributions, from any source, of money, labor, property or other  
440 things of value, to be held, used and applied to carry out the purposes  
441 of sections 32-200 to 32-212, inclusive, subject to the conditions upon  
442 which such grants and contributions are made, including, but not  
443 limited to, gifts or grants from any department, agency or  
444 instrumentality of the United States or this state for any purpose  
445 consistent with said sections; (4) to formulate plans for, acquire,  
446 finance and develop, lease, purchase, construct, reconstruct, repair,  
447 improve, expand, extend, operate, maintain and market the project,  
448 provided such activities are consistent with all applicable federal tax  
449 covenants of the authority; (5) to fix and revise from time to time and  
450 to charge and collect fees, rents and other charges for the use,  
451 occupancy or operation of the project, and to establish and revise from  
452 time to time, regulations in respect of the use, operation and  
453 occupancy of any such project, provided such regulations are  
454 consistent with all applicable federal tax covenants of the authority; (6)  
455 to employ such assistants, agents and other employees as may be  
456 necessary or desirable to carry out its purposes and to fix their  
457 compensation; to establish and modify personnel procedures as may  
458 be necessary from time to time and to negotiate and enter into  
459 collective bargaining agreements with labor unions; (7) to engage  
460 architects, engineers, attorneys, accountants, consultants and such  
461 other independent professionals as may be necessary or desirable to  
462 carry out its purposes; to contract for construction, development,  
463 concessions and the procurement of goods and services and to  
464 establish and modify procurement procedures from time to time to  
465 implement the foregoing in accordance with the provisions of

466 subsection (b) of this section; (8) to adopt procedures with respect to  
467 contractors and subcontractors engaged in the construction of the  
468 project which require such contractors or subcontractors (A) to take  
469 affirmative action to provide equal opportunity for employment  
470 without discrimination as to race, creed, color, national origin,  
471 ancestry, sex, gender identity or expression, marital status, age, lawful  
472 source of income, mental retardation, mental disability or physical  
473 disability, including, but not limited to, blindness or deafness, and (B)  
474 to ensure that the wages paid on an hourly basis to any mechanic,  
475 laborer or workman employed by such contractor or subcontractor  
476 with respect to the project shall be at a rate equal to the rate customary  
477 or prevailing for the same work in the same trade or occupation in the  
478 town and city of Stamford; (9) to engage in and contract for marketing  
479 and promotional activities to attract national, regional and local  
480 conventions, trade shows, exhibitions, banquets and other events in  
481 order to maximize the use of the project and to carry out the purposes  
482 of sections 32-200 to 32-212, inclusive; (10) to acquire, lease, hold and  
483 dispose of personal property for the purposes set forth in sections 32-  
484 200 to 32-212, inclusive; (11) to procure insurance against any liability  
485 or loss in connection with its property and other assets, in such  
486 amounts and from such insurers as it deems desirable and to procure  
487 insurance for employees; (12) to borrow money and to issue bonds,  
488 notes and other obligations of the authority to the extent permitted  
489 under sections 32-200 to 32-212, inclusive, to fund and refund the same  
490 and to provide for the rights of the holders thereof and to secure the  
491 same by pledge of assets, revenues, notes and state contract assistance  
492 as provided in said sections and such state taxes as the authority shall  
493 be entitled to receive pursuant to the provisions of said sections; (13) to  
494 invest any funds not needed for immediate use or disbursement in  
495 obligations issued or guaranteed by the United States of America or  
496 the state of Connecticut and in other obligations which are legal  
497 investments for savings banks in this state and in time deposits or  
498 certificates of deposit or other similar banking arrangements secured  
499 in such manner as the authority determines; (14) to do anything  
500 necessary and desirable, including executing reimbursement



501 agreements or similar agreements in connection with credit facilities,  
502 including, but not limited to, letters of credit or policies of bond  
503 insurance, remarketing agreements and agreements for the purpose of  
504 moderating interest rate fluctuations, to render any bonds to be issued  
505 pursuant to sections 32-200 to 32-212, inclusive, more marketable; (15)  
506 to do all acts and things necessary or convenient to carry out the  
507 purposes of sections 32-200 to 32-212, inclusive, and the powers  
508 expressly granted by said sections.

509 Sec. 18. Section 32-277 of the general statutes is repealed and the  
510 following is substituted in lieu thereof (*Effective October 1, 2007*):

511 A regional corporation shall not provide any financial assistance  
512 authorized by sections 32-271 to 32-284, inclusive, unless the following  
513 conditions are met:

514 (1) The applicant has demonstrated that there is little prospect of  
515 obtaining the conventional project financing requested from either  
516 private or public sources of funding within the region, and that there is  
517 little prospect of obtaining adequate project financing from private  
518 sources of capital, or in the case of a loan guarantee, that there is little  
519 prospect of obtaining project financing without the guarantee;

520 (2) There is a reasonable prospect of repayment;

521 (3) The project is located in the region represented by the regional  
522 corporation;

523 (4) The project will comply with any applicable environmental rules  
524 or regulations;

525 (5) The applicant has certified that it will not discriminate against  
526 any employee or any applicant for employment because of race,  
527 religion, color, national origin, sex, gender identity or expression or  
528 age;

529 (6) A staff member or a representative of the regional corporation  
530 acting in an official capacity has personally visited the project site and

531 the applicant's place of business; and

532 (7) Financial commitments or contingent financial commitments for  
533 the project have been obtained from other public and private sources.

534 Sec. 19. Section 38a-358 of the general statutes is repealed and the  
535 following is substituted in lieu thereof (*Effective October 1, 2007*):

536 The declination, cancellation or nonrenewal of a policy for private  
537 passenger nonfleet automobile insurance is prohibited if the  
538 declination, cancellation or nonrenewal is based: (1) On the race,  
539 religion, nationality or ethnicity of the applicant or named insured; (2)  
540 solely on the lawful occupation or profession of the applicant or  
541 named insured, except that this provision shall not apply to any  
542 insurer which limits its market to one lawful occupation or profession  
543 or to several related lawful occupations or professions; (3) on the  
544 principal location of the insured motor vehicle unless such decision is  
545 for a business purpose which is not a mere pretext for unfair  
546 discrimination; (4) solely on the age, sex, gender identity or expression  
547 or marital status of an applicant or an insured, except that this  
548 subdivision shall not apply to an insurer in an insurer group if one or  
549 more other insurers in the group would not decline an application for  
550 essentially similar coverage based upon such reasons; (5) on the fact  
551 that the applicant or named insured previously obtained insurance  
552 coverage through a residual market; (6) on the fact that another insurer  
553 previously declined to insure the applicant or terminated an existing  
554 policy in which the applicant was the named insured; or (7) the first or  
555 second accident within the current experience period in relation to  
556 which the applicant or insured was not convicted of a moving traffic  
557 violation and was not at fault.

558 Sec. 20. Section 42-125a of the general statutes is repealed and the  
559 following is substituted in lieu thereof (*Effective October 1, 2007*):

560 It is the policy of the state of Connecticut to oppose restraints of  
561 trade and unfair trade practices in the form of discriminatory boycotts  
562 which are not specifically authorized by the law of the United States

563 and which are fostered or imposed by foreign persons, foreign  
564 governments or international organizations against any domestic  
565 individual on the basis of race, color, creed, religion, sex, gender  
566 identity or expression, nationality or national origin. It is also the  
567 policy of the state to oppose any actions, including the formation or  
568 continuance of agreements, understandings or contractual  
569 arrangements, expressed or implied, which have the effect of  
570 furthering such discriminatory boycotts, in order that the peace,  
571 health, safety, prosperity and general welfare of all the inhabitants of  
572 the state may be protected and ensured. This chapter shall be deemed  
573 an exercise of the police power of the state for the protection of the  
574 people of this state and shall be administered and principally enforced  
575 by the Attorney General. The provisions of this chapter shall be  
576 construed liberally so as to effectuate this declaration of policy and the  
577 laws and Constitution of the United States, but nothing in this chapter  
578 shall be construed to infringe upon the right of the United States  
579 government to regulate interstate and foreign commerce.

580 Sec. 21. Subsection (c) of section 42-125b of the general statutes is  
581 repealed and the following is substituted in lieu thereof (*Effective*  
582 *October 1, 2007*):

583 (c) "Participating in a discriminatory boycott" means the entering  
584 into or performing of any agreement, understanding or contractual  
585 arrangement for economic benefit by any person with any foreign  
586 government, foreign person or international organization, which is not  
587 specifically authorized by the laws of the United States and which is  
588 required or imposed, either directly or indirectly, overtly or covertly,  
589 by the foreign government, foreign person or international  
590 organization in order to restrict, condition, prohibit or interfere with  
591 any business relationship in this state on the basis of a domestic  
592 individual's race, color, creed, religion, sex, gender identity or  
593 expression, nationality or national origin; provided, handling, altering  
594 or shipping goods or complying with the commercial laws of a foreign  
595 country, unless such laws require discrimination against a domestic  
596 individual on the basis of race, color, creed, religion, sex, gender

597 identity or expression, nationality or national origin, shall not  
598 constitute a discriminatory boycott.

599 Sec. 22. Subsection (a) of section 46a-58 of the general statutes is  
600 repealed and the following is substituted in lieu thereof (*Effective*  
601 *October 1, 2007*):

602 (a) It shall be a discriminatory practice in violation of this section for  
603 any person to subject, or cause to be subjected, any other person to the  
604 deprivation of any rights, privileges or immunities, secured or  
605 protected by the Constitution or laws of this state or of the United  
606 States, on account of religion, national origin, alienage, color, race, sex,  
607 gender identity or expression, blindness or physical disability.

608 Sec. 23. Subsection (a) of section 46a-59 of the general statutes is  
609 repealed and the following is substituted in lieu thereof (*Effective*  
610 *October 1, 2007*):

611 (a) It shall be a discriminatory practice in violation of this section for  
612 any association, board or other organization the principal purpose of  
613 which is the furtherance of the professional or occupational interests of  
614 its members, whose profession, trade or occupation requires a state  
615 license, to refuse to accept a person as a member of such association,  
616 board or organization because of his race, national origin, creed, sex,  
617 gender identity or expression or color.

618 Sec. 24. Subsection (a) of section 46a-60 of the general statutes is  
619 repealed and the following is substituted in lieu thereof (*Effective*  
620 *October 1, 2007*):

621 (a) It shall be a discriminatory practice in violation of this section:

622 (1) For an employer, by the employer or the employer's agent,  
623 except in the case of a bona fide occupational qualification or need, to  
624 refuse to hire or employ or to bar or to discharge from employment  
625 any individual or to discriminate against such individual in  
626 compensation or in terms, conditions or privileges of employment  
627 because of the individual's race, color, religious creed, age, sex, gender

628 identity or expression, marital status, national origin, ancestry, present  
629 or past history of mental disability, mental retardation, learning  
630 disability or physical disability, including, but not limited to,  
631 blindness;

632 (2) For any employment agency, except in the case of a bona fide  
633 occupational qualification or need, to fail or refuse to classify properly  
634 or refer for employment or otherwise to discriminate against any  
635 individual because of such individual's race, color, religious creed, age,  
636 sex, gender identity or expression, marital status, national origin,  
637 ancestry, present or past history of mental disability, mental  
638 retardation, learning disability or physical disability, including, but not  
639 limited to, blindness;

640 (3) For a labor organization, because of the race, color, religious  
641 creed, age, sex, gender identity or expression, marital status, national  
642 origin, ancestry, present or past history of mental disability, mental  
643 retardation, learning disability or physical disability, including, but not  
644 limited to, blindness of any individual to exclude from full  
645 membership rights or to expel from its membership such individual or  
646 to discriminate in any way against any of its members or against any  
647 employer or any individual employed by an employer, unless such  
648 action is based on a bona fide occupational qualification;

649 (4) For any person, employer, labor organization or employment  
650 agency to discharge, expel or otherwise discriminate against any  
651 person because such person has opposed any discriminatory  
652 employment practice or because such person has filed a complaint or  
653 testified or assisted in any proceeding under section 46a-82, 46a-83 or  
654 46a-84;

655 (5) For any person, whether an employer or an employee or not, to  
656 aid, abet, incite, compel or coerce the doing of any act declared to be a  
657 discriminatory employment practice or to attempt to do so;

658 (6) For any person, employer, employment agency or labor  
659 organization, except in the case of a bona fide occupational

660 qualification or need, to advertise employment opportunities in such a  
661 manner as to restrict such employment so as to discriminate against  
662 individuals because of their race, color, religious creed, age, sex,  
663 gender identity or expression, marital status, national origin, ancestry,  
664 present or past history of mental disability, mental retardation,  
665 learning disability or physical disability, including, but not limited to,  
666 blindness;

667 (7) For an employer, by the employer or the employer's agent: (A)  
668 To terminate a woman's employment because of her pregnancy; (B) to  
669 refuse to grant to that employee a reasonable leave of absence for  
670 disability resulting from her pregnancy; (C) to deny to that employee,  
671 who is disabled as a result of pregnancy, any compensation to which  
672 she is entitled as a result of the accumulation of disability or leave  
673 benefits accrued pursuant to plans maintained by the employer; (D) to  
674 fail or refuse to reinstate the employee to her original job or to an  
675 equivalent position with equivalent pay and accumulated seniority,  
676 retirement, fringe benefits and other service credits upon her  
677 signifying her intent to return unless, in the case of a private employer,  
678 the employer's circumstances have so changed as to make it impossible  
679 or unreasonable to do so; (E) to fail or refuse to make a reasonable  
680 effort to transfer a pregnant employee to any suitable temporary  
681 position which may be available in any case in which an employee  
682 gives written notice of her pregnancy to her employer and the  
683 employer or pregnant employee reasonably believes that continued  
684 employment in the position held by the pregnant employee may cause  
685 injury to the employee or fetus; (F) to fail or refuse to inform the  
686 pregnant employee that a transfer pursuant to subparagraph (E) of this  
687 subdivision may be appealed under the provisions of this chapter; or  
688 (G) to fail or refuse to inform employees of the employer, by any  
689 reasonable means, that they must give written notice of their  
690 pregnancy in order to be eligible for transfer to a temporary position;

691 (8) For an employer, by the employer or the employer's agent, for an  
692 employment agency, by itself or its agent, or for any labor  
693 organization, by itself or its agent, to harass any employee, person

694 seeking employment or member on the basis of sex or gender identity  
695 or expression. "Sexual harassment" shall, for the purposes of this  
696 section, be defined as any unwelcome sexual advances or requests for  
697 sexual favors or any conduct of a sexual nature when (A) submission  
698 to such conduct is made either explicitly or implicitly a term or  
699 condition of an individual's employment, (B) submission to or rejection  
700 of such conduct by an individual is used as the basis for employment  
701 decisions affecting such individual, or (C) such conduct has the  
702 purpose or effect of substantially interfering with an individual's work  
703 performance or creating an intimidating, hostile or offensive working  
704 environment;

705 (9) For an employer, by the employer or the employer's agent, for an  
706 employment agency, by itself or its agent, or for any labor  
707 organization, by itself or its agent, to request or require information  
708 from an employee, person seeking employment or member relating to  
709 the individual's child-bearing age or plans, pregnancy, function of the  
710 individual's reproductive system, use of birth control methods, or the  
711 individual's familial responsibilities, unless such information is  
712 directly related to a bona fide occupational qualification or need,  
713 provided an employer, through a physician may request from an  
714 employee any such information which is directly related to workplace  
715 exposure to substances which may cause birth defects or constitute a  
716 hazard to an individual's reproductive system or to a fetus if the  
717 employer first informs the employee of the hazards involved in  
718 exposure to such substances;

719 (10) For an employer, by the employer or the employer's agent, after  
720 informing an employee, pursuant to subdivision (9) of this subsection,  
721 of a workplace exposure to substances which may cause birth defects  
722 or constitute a hazard to an employee's reproductive system or to a  
723 fetus, to fail or refuse, upon the employee's request, to take reasonable  
724 measures to protect the employee from the exposure or hazard  
725 identified, or to fail or refuse to inform the employee that the measures  
726 taken may be the subject of a complaint filed under the provisions of  
727 this chapter. Nothing in this subdivision is intended to prohibit an

728 employer from taking reasonable measures to protect an employee  
729 from exposure to such substances. For the purpose of this subdivision,  
730 "reasonable measures" shall be those measures which are consistent  
731 with business necessity and are least disruptive of the terms and  
732 conditions of the employee's employment;

733 (11) For an employer, by the employer or the employer's agent, for  
734 an employment agency, by itself or its agent, or for any labor  
735 organization, by itself or its agent: (A) To request or require genetic  
736 information from an employee, person seeking employment or  
737 member, or (B) to discharge, expel or otherwise discriminate against  
738 any person on the basis of genetic information. For the purpose of this  
739 subdivision, "genetic information" means the information about genes,  
740 gene products or inherited characteristics that may derive from an  
741 individual or a family member.

742 Sec. 25. Subsection (a) of section 46a-64 of the general statutes is  
743 repealed and the following is substituted in lieu thereof (*Effective*  
744 *October 1, 2007*):

745 (a) It shall be a discriminatory practice in violation of this section: (1)  
746 To deny any person within the jurisdiction of this state full and equal  
747 accommodations in any place of public accommodation, resort or  
748 amusement because of race, creed, color, national origin, ancestry, sex,  
749 gender identity or expression, marital status, age, lawful source of  
750 income, mental retardation, mental disability or physical disability,  
751 including, but not limited to, blindness or deafness of the applicant,  
752 subject only to the conditions and limitations established by law and  
753 applicable alike to all persons; (2) to discriminate, segregate or separate  
754 on account of race, creed, color, national origin, ancestry, sex, gender  
755 identity or expression, marital status, age, lawful source of income,  
756 mental retardation, mental disability, learning disability or physical  
757 disability, including, but not limited to, blindness or deafness; (3) for a  
758 place of public accommodation, resort or amusement to restrict or limit  
759 the right of a mother to breast-feed her child; (4) for a place of public  
760 accommodation, resort or amusement to fail or refuse to post a notice,



761 in a conspicuous place, that any blind, deaf or mobility impaired  
762 person, accompanied by his guide dog wearing a harness or an  
763 orange-colored leash and collar, may enter such premises or facilities;  
764 or (5) to deny any blind, deaf or mobility impaired person or any  
765 person training a dog as a guide dog for a blind person or a dog to  
766 assist a deaf or mobility impaired person, accompanied by his guide  
767 dog or assistance dog, full and equal access to any place of public  
768 accommodation, resort or amusement. Any blind, deaf or mobility  
769 impaired person or any person training a dog as a guide dog for a  
770 blind person or a dog to assist a deaf or mobility impaired person may  
771 keep his guide dog or assistance dog with him at all times in such  
772 place of public accommodation, resort or amusement at no extra  
773 charge, provided the dog wears a harness or an orange-colored leash  
774 and collar and is in the direct custody of such person. The blind, deaf  
775 or mobility impaired person or person training a dog as a guide dog  
776 for a blind person or a dog to assist a deaf or mobility impaired person  
777 shall be liable for any damage done to the premises or facilities by his  
778 dog. For purposes of this subdivision, "guide dog" or "assistance dog"  
779 includes a dog being trained as a guide dog or assistance dog and  
780 "person training a dog as a guide dog for a blind person or a dog to  
781 assist a deaf or mobility impaired person" means a person who is  
782 employed by and authorized to engage in designated training  
783 activities by a guide dog organization or assistance dog organization  
784 that complies with the criteria for membership in a professional  
785 association of guide dog or assistance dog schools and who carries  
786 photographic identification indicating such employment and  
787 authorization.

788 Sec. 26. Subsection (a) of section 46a-64c of the general statutes is  
789 repealed and the following is substituted in lieu thereof (*Effective*  
790 *October 1, 2007*):

791 (a) It shall be a discriminatory practice in violation of this section:

792 (1) To refuse to sell or rent after the making of a bona fide offer, or  
793 to refuse to negotiate for the sale or rental of, or otherwise make

794 unavailable or deny, a dwelling to any person because of race, creed,  
795 color, national origin, ancestry, sex, gender identity or expression,  
796 marital status, age, lawful source of income or familial status.

797 (2) To discriminate against any person in the terms, conditions, or  
798 privileges of sale or rental of a dwelling, or in the provision of services  
799 or facilities in connection therewith, because of race, creed, color,  
800 national origin, ancestry, sex, gender identity or expression, marital  
801 status, age, lawful source of income or familial status.

802 (3) To make, print or publish, or cause to be made, printed or  
803 published any notice, statement, or advertisement, with respect to the  
804 sale or rental of a dwelling that indicates any preference, limitation, or  
805 discrimination based on race, creed, color, national origin, ancestry,  
806 sex, gender identity or expression, marital status, age, lawful source of  
807 income, familial status, learning disability or physical or mental  
808 disability, or an intention to make any such preference, limitation or  
809 discrimination.

810 (4) (A) To represent to any person because of race, creed, color,  
811 national origin, ancestry, sex, gender identity or expression, marital  
812 status, age, lawful source of income, familial status, learning disability  
813 or physical or mental disability that any dwelling is not available for  
814 inspection, sale or rental when such dwelling is in fact so available.

815 (B) It shall be a violation of this subdivision for any person to  
816 restrict or attempt to restrict the choices of any buyer or renter to  
817 purchase or rent a dwelling (i) to an area which is substantially  
818 populated, even if less than a majority, by persons of the same  
819 protected class as the buyer or renter, (ii) while such person is  
820 authorized to offer for sale or rent another dwelling which meets the  
821 housing criteria as expressed by the buyer or renter to such person,  
822 and (iii) such other dwelling is in an area which is not substantially  
823 populated by persons of the same protected class as the buyer or  
824 renter. As used in this subdivision, "area" means municipality,  
825 neighborhood or other geographic subdivision which may include an  
826 apartment or condominium complex; and "protected class" means race,

827 creed, color, national origin, ancestry, sex, gender identity or  
828 expression, marital status, age, lawful source of income, familial status,  
829 learning disability or physical or mental disability.

830 (5) For profit, to induce or attempt to induce any person to sell or  
831 rent any dwelling by representations regarding the entry or  
832 prospective entry into the neighborhood of a person or persons of a  
833 particular race, creed, color, national origin, ancestry, sex, gender  
834 identity or expression, marital status, age, lawful source of income,  
835 familial status, learning disability or physical or mental disability.

836 (6) (A) To discriminate in the sale or rental, or to otherwise make  
837 unavailable or deny, a dwelling to any buyer or renter because of a  
838 learning disability or physical or mental disability of: (i) Such buyer or  
839 renter; (ii) a person residing in or intending to reside in such dwelling  
840 after it is so sold, rented, or made available; or (iii) any person  
841 associated with such buyer or renter.

842 (B) To discriminate against any person in the terms, conditions or  
843 privileges of sale or rental of a dwelling, or in the provision of services  
844 or facilities in connection with such dwelling, because of a learning  
845 disability or physical or mental disability of: (i) Such person; or (ii) a  
846 person residing in or intending to reside in such dwelling after it is so  
847 sold, rented, or made available; or (iii) any person associated with such  
848 person.

849 (C) For purposes of this subdivision, discrimination includes: (i) A  
850 refusal to permit, at the expense of a person with a physical or mental  
851 disability, reasonable modifications of existing premises occupied or to  
852 be occupied by such person if such modifications may be necessary to  
853 afford such person full enjoyment of the premises; except that, in the  
854 case of a rental, the landlord may, where it is reasonable to do so,  
855 condition permission for a modification on the renter agreeing to  
856 restore the interior of the premises to the condition that existed before  
857 the modification, reasonable wear and tear excepted; (ii) a refusal to  
858 make reasonable accommodations in rules, policies, practices or  
859 services, when such accommodations may be necessary to afford such

860 person equal opportunity to use and enjoy a dwelling; (iii) in  
861 connection with the design and construction of covered multifamily  
862 dwellings for the first occupancy after March 13, 1991, a failure to  
863 design and construct those dwellings in such manner that they comply  
864 with the requirements of Section 804(f) of the Fair Housing Act or the  
865 provisions of the state building code as adopted pursuant to the  
866 provisions of sections 29-269 and 29-273, whichever requires greater  
867 accommodation. "Covered multifamily dwellings" means buildings  
868 consisting of four or more units if such buildings have one or more  
869 elevators, and ground floor units in other buildings consisting of four  
870 or more units.

871 (7) For any person or other entity engaging in residential real-estate-  
872 related transactions to discriminate against any person in making  
873 available such a transaction, or in the terms or conditions of such a  
874 transaction, because of race, creed, color, national origin, ancestry, sex,  
875 gender identity or expression, marital status, age, lawful source of  
876 income, familial status, learning disability or physical or mental  
877 disability.

878 (8) To deny any person access to or membership or participation in  
879 any multiple-listing service, real estate brokers' organization or other  
880 service, organization, or facility relating to the business of selling or  
881 renting dwellings, or to discriminate against him in the terms or  
882 conditions of such access, membership or participation, on account of  
883 race, creed, color, national origin, ancestry, sex, gender identity or  
884 expression, marital status, age, lawful source of income, familial status,  
885 learning disability or physical or mental disability.

886 (9) To coerce, intimidate, threaten, or interfere with any person in  
887 the exercise or enjoyment of, or on account of his having exercised or  
888 enjoyed, or on account of his having aided or encouraged any other  
889 person in the exercise or enjoyment of, any right granted or protected  
890 by this section.

891 Sec. 27. Subsection (e) of section 46a-64c of the general statutes is  
892 repealed and the following is substituted in lieu thereof (*Effective*

893     October 1, 2007):

894         (e) Nothing in this section prohibits a person engaged in the  
895     business of furnishing appraisals of real property to take into  
896     consideration factors other than race, creed, color, national origin,  
897     ancestry, sex, gender identity or expression, marital status, age, lawful  
898     source of income, familial status, learning disability or physical or  
899     mental disability.

900         Sec. 28. Subsection (a) of section 46a-66 of the general statutes is  
901     repealed and the following is substituted in lieu thereof (*Effective*  
902     *October 1, 2007*):

903         (a) It shall be a discriminatory practice in violation of this section for  
904     any creditor to discriminate on the basis of sex, gender identity or  
905     expression, age, race, color, religious creed, national origin, ancestry,  
906     marital status, mental retardation, learning disability, blindness or  
907     physical disability against any person eighteen years of age or over in  
908     any credit transaction.

909         Sec. 29. Subsection (a) of section 46a-70 of the general statutes is  
910     repealed and the following is substituted in lieu thereof (*Effective*  
911     *October 1, 2007*):

912         (a) State officials and supervisory personnel shall recruit, appoint,  
913     assign, train, evaluate and promote state personnel on the basis of  
914     merit and qualifications, without regard for race, color, religious creed,  
915     sex, gender identity or expression, marital status, age, national origin,  
916     ancestry, mental retardation, mental disability, learning disability or  
917     physical disability, including, but not limited to, blindness, unless it is  
918     shown by such state officials or supervisory personnel that such  
919     disability prevents performance of the work involved.

920         Sec. 30. Subsection (a) of section 46a-71 of the general statutes is  
921     repealed and the following is substituted in lieu thereof (*Effective*  
922     *October 1, 2007*):

923         (a) All services of every state agency shall be performed without

924 discrimination based upon race, color, religious creed, sex, gender  
925 identity or expression, marital status, age, national origin, ancestry,  
926 mental retardation, mental disability, learning disability or physical  
927 disability, including, but not limited to, blindness.

928 Sec. 31. Subsection (b) of section 46a-72 of the general statutes is  
929 repealed and the following is substituted in lieu thereof (*Effective*  
930 *October 1, 2007*):

931 (b) Any job request indicating an intention to exclude any person  
932 because of race, color, religious creed, sex, gender identity or  
933 expression, marital status, age, national origin, ancestry, mental  
934 retardation, mental disability, learning disability or physical disability,  
935 including, but not limited to, blindness shall be rejected, unless it is  
936 shown by such public or private employers that such disability  
937 prevents performance of the work involved.

938 Sec. 32. Subsection (a) of section 46a-73 of the general statutes is  
939 repealed and the following is substituted in lieu thereof (*Effective*  
940 *October 1, 2007*):

941 (a) No state department, board or agency may grant, deny or revoke  
942 the license or charter of any person on the grounds of race, color,  
943 religious creed, sex, gender identity or expression, marital status, age,  
944 national origin, ancestry, mental retardation, mental disability,  
945 learning disability or physical disability, including, but not limited to,  
946 blindness, unless it is shown by such state department, board or  
947 agency that such disability prevents performance of the work  
948 involved.

949 Sec. 33. Subsection (a) of section 46a-75 of the general statutes is  
950 repealed and the following is substituted in lieu thereof (*Effective*  
951 *October 1, 2007*):

952 (a) All educational, counseling, and vocational guidance programs  
953 and all apprenticeship and on-the-job training programs of state  
954 agencies, or in which state agencies participate, shall be open to all

955 qualified persons, without regard to race, color, religious creed, sex,  
956 gender identity or expression, marital status, age, national origin,  
957 ancestry, mental retardation, mental disability, learning disability or  
958 physical disability, including, but not limited to, blindness.

959 Sec. 34. Subsection (a) of section 46a-76 of the general statutes is  
960 repealed and the following is substituted in lieu thereof (*Effective*  
961 *October 1, 2007*):

962 (a) Race, color, religious creed, sex, gender identity or expression,  
963 marital status, age, national origin, ancestry, mental retardation,  
964 mental disability, learning disability or physical disability, including,  
965 but not limited to, blindness shall not be considered as limiting factors  
966 in state-administered programs involving the distribution of funds to  
967 qualify applicants for benefits authorized by law.

968 Sec. 35. Subsections (b) and (c) of section 52-571d of the general  
969 statutes are repealed and the following is substituted in lieu thereof  
970 (*Effective October 1, 2007*):

971 (b) No golf country club may deny membership in such club to any  
972 person on account of race, religion, color, national origin, ancestry, sex,  
973 gender identity or expression, marital status or sexual orientation.

974 (c) All classes of membership in a golf country club shall be  
975 available without regard to race, religion, color, national origin,  
976 ancestry, sex, gender identity or expression, marital status or sexual  
977 orientation.

978 Sec. 36. Section 53-37a of the general statutes is repealed and the  
979 following is substituted in lieu thereof (*Effective October 1, 2007*):

980 Any person who, with the intent to subject, or cause to be subjected,  
981 any other person to the deprivation of any rights, privileges or  
982 immunities, secured or protected by the Constitution or laws of this  
983 state or of the United States, on account of religion, national origin,  
984 alienage, color, race, sex, gender identity or expression, blindness or  
985 physical disability, violates the provisions of section 46a-58, as

986 amended by this act, while wearing a mask, hood or other device  
 987 designed to conceal the identity of such person shall be guilty of a class  
 988 D felony.

989       Sec. 37. (NEW) (*Effective October 1, 2007*) The provisions of  
 990 subsection (a) of section 4a-60, subsection (c) of section 8-169s, section  
 991 8-265c, subsection (c) of section 8-294, section 8-315, subsection (a) of  
 992 section 10-15c, section 10-153, subsection (b) of section 10a-6,  
 993 subsection (a) of section 11-24b, sections 16-245r and 16-247r,  
 994 subsection (b) of section 28-15, section 31-22p, subsection (e) of section  
 995 31-57e, sections 32-204, 32-277, 38a-358 and 42-125a, subsection (c) of  
 996 section 42-125b, subsection (a) of section 46a-58, subsection (a) of  
 997 section 46a-59, subsection (a) of section 46a-60, subsection (a) of section  
 998 46a-64, subsections (a) and (e) of section 46a-64c, subsection (a) of  
 999 section 46a-66, subsection (a) of section 46a-70, subsection (a) of section  
 1000 46a-71, subsection (b) of section 46a-72, subsection (a) of section 46a-73,  
 1001 subsection (a) of section 46a-75, subsection (a) of section 46a-76,  
 1002 subsections (b) and (c) of section 52-571d and section 53-37a of the  
 1003 general statutes, as amended by this act, that prohibit discrimination  
 1004 on the basis of gender identity or expression shall not apply to a  
 1005 religious corporation, entity, association, educational institution or  
 1006 society with respect to the employment of individuals to perform work  
 1007 connected with the carrying on by such corporation, entity,  
 1008 association, educational institution or society of its activities, or with  
 1009 respect to matters of discipline, faith, internal organization or  
 1010 ecclesiastical rule, custom or law which are established by such  
 1011 corporation, entity, association, educational institution or society.

|   |                        |             |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>October 1, 2007</i> | 46a-51      |
| Sec. 2  | <i>October 1, 2007</i> | New section |
| Sec. 3  | <i>October 1, 2007</i> | 4a-60(a)    |
| Sec. 4  | <i>October 1, 2007</i> | 8-169s(c)   |
| Sec. 5  | <i>October 1, 2007</i> | 8-265c      |
| Sec. 6  | <i>October 1, 2007</i> | 8-294(c)    |



|         |                        |                    |
|---------|------------------------|--------------------|
| Sec. 7  | <i>October 1, 2007</i> | 8-315              |
| Sec. 8  | <i>October 1, 2007</i> | 10-15c(a)          |
| Sec. 9  | <i>October 1, 2007</i> | 10-153             |
| Sec. 10 | <i>October 1, 2007</i> | 10a-6(b)           |
| Sec. 11 | <i>October 1, 2007</i> | 11-24b(a)          |
| Sec. 12 | <i>October 1, 2007</i> | 16-245r            |
| Sec. 13 | <i>October 1, 2007</i> | 16-247r            |
| Sec. 14 | <i>October 1, 2007</i> | 28-15(b)           |
| Sec. 15 | <i>October 1, 2007</i> | 31-22p             |
| Sec. 16 | <i>October 1, 2007</i> | 31-57e(e)          |
| Sec. 17 | <i>October 1, 2007</i> | 32-204             |
| Sec. 18 | <i>October 1, 2007</i> | 32-277             |
| Sec. 19 | <i>October 1, 2007</i> | 38a-358            |
| Sec. 20 | <i>October 1, 2007</i> | 42-125a            |
| Sec. 21 | <i>October 1, 2007</i> | 42-125b(c)         |
| Sec. 22 | <i>October 1, 2007</i> | 46a-58(a)          |
| Sec. 23 | <i>October 1, 2007</i> | 46a-59(a)          |
| Sec. 24 | <i>October 1, 2007</i> | 46a-60(a)          |
| Sec. 25 | <i>October 1, 2007</i> | 46a-64(a)          |
| Sec. 26 | <i>October 1, 2007</i> | 46a-64c(a)         |
| Sec. 27 | <i>October 1, 2007</i> | 46a-64c(e)         |
| Sec. 28 | <i>October 1, 2007</i> | 46a-66(a)          |
| Sec. 29 | <i>October 1, 2007</i> | 46a-70(a)          |
| Sec. 30 | <i>October 1, 2007</i> | 46a-71(a)          |
| Sec. 31 | <i>October 1, 2007</i> | 46a-72(b)          |
| Sec. 32 | <i>October 1, 2007</i> | 46a-73(a)          |
| Sec. 33 | <i>October 1, 2007</i> | 46a-75(a)          |
| Sec. 34 | <i>October 1, 2007</i> | 46a-76(a)          |
| Sec. 35 | <i>October 1, 2007</i> | 52-571d(b) and (c) |
| Sec. 36 | <i>October 1, 2007</i> | 53-37a             |
| Sec. 37 | <i>October 1, 2007</i> | New section        |

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

| Agency Affected                    | Fund-Effect       | FY 08 \$  | FY 09 \$  |
|------------------------------------|-------------------|-----------|-----------|
| Human Rights & Opportunities, Com. | GF - Cost         | Potential | Potential |
| Judicial Dept.                     | GF - Revenue Gain | Minimal   | Minimal   |
| Judicial Dept.; Correction, Dept.  | GF - Cost         | Minimal   | Minimal   |

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill conforms the law to a declaratory ruling by the Commission on Human Rights and Opportunities (CHRO) and could lead to additional staffing costs, to the extent that additional complaints may be filed with CHRO. The extent of the staffing required, if any, is unknown at this time and would be dependent on the increase in complaints. The number of increased complaints is not anticipated to be significant.

Sections 22 and 36 of the bill expand the definition of certain crimes involving the deprivation of rights to include a victim's gender identity or expression. There are very few offenses filed with Superior Court under the existing statutes that the bill changes. Consequently, any fiscal impact associated with revenues from criminal fines or potential costs for incarceration or probation supervision is anticipated to be minimal.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would

continue into the future subject to the number of complaints received and subject to the number of offenses filed.

**OLR Bill Analysis****sSB 1044*****AN ACT CONCERNING DISCRIMINATION.*****SUMMARY:**

This bill explicitly prohibits discrimination on the basis of gender identity or expression in employment (§24), public accommodations (§25), the sale or rental of housing (§26), the granting of credit (§28), and other laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. It explicitly authorizes people to file discrimination complaints with CHRO, which enforces antidiscrimination laws in these areas. CHRO issued a declaratory ruling in 2000 that the prohibition against sex discrimination in the laws over which CHRO has jurisdiction covers discrimination on the basis of gender identity or expression (see **BACKGROUND – DECLARATORY RULING**).

The bill defines “gender identity or expression” as a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person’s assigned sex at birth (§§1 & 2). This definition is similar to the one in the declaratory ruling.

The bill also prohibits discrimination on the basis of gender identity or expression in various other contexts beyond the scope of CHRO’s declaratory ruling, including urban homesteading, public schools, boards of education, public libraries, electric suppliers, telephone or telecommunication providers, employment codes tribes must adopt to receive state services or funds, and discriminatory boycotts.

The bill specifies that its provisions that prohibit discrimination on the basis of gender identity or expression do not apply to religious corporations, entities, associations, educational institutions, or societies

regarding (1) employment of people to perform work for them or (2) matters of discipline; faith; internal organization; or ecclesiastical rules, customs, or laws that they have established (§ 37).

The bill makes it a class A misdemeanor to deprive someone of rights, privileges, and immunities secured or protected by the state or federal laws or constitutions because of his gender identity or expression (§22). This crime is punishable by imprisonment for up to one year, a fine of up to \$2,000, or both. The bill makes it a class D felony for anyone to do so based on gender identity and expression while wearing a mask, hood, or other device designed to conceal his identity (§36). A class D felony is punishable by imprisonment for up to five years, a fine of up to \$5,000 or both.

The bill also gives CHRO jurisdiction to investigate complaints of discrimination on the basis of gender identity or expression against students by public schools (See BACKGROUND – RELATED CASES). It also gives CHRO jurisdiction to investigate this and certain other types of discrimination against private golf country clubs (§ 35).

EFFECTIVE DATE: October 1, 2007

### **DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, HOUSING, AND CREDIT**

The bill explicitly gives CHRO the authority to investigate complaints of discrimination on the basis of gender identity or expression in employment, public accommodations, the sale or rental of property, and the extension of credit (§§ 24, 25, 26, 28). It applies the same rules, procedures, and remedies that apply to other types of discrimination complaints, including the right to file a lawsuit if the investigation is not completed within a certain time.

CHRO's 2000 declaratory ruling concluded CHRO had jurisdiction to investigate claims of discrimination on the basis of gender identity or expression under these laws because they are covered under the prohibition against sex discrimination. The ruling also determined that CHRO has jurisdiction to investigate such claims of discrimination

under other laws over which CHRO has jurisdiction (see BACKGROUND).

The bill gives CHRO the explicit authority to investigate complaints of discrimination on the basis of gender identity or expression under these other laws. It explicitly:

1. subjects any association, board, or other organization whose principal purpose is to further the professional or occupational interests of its members, whose profession, trade, or occupation requires a state license, to a fine of between \$100 to \$500 for denying a person membership because of his gender identity or expression (§ 23);
2. makes it illegal to discriminate against anyone in employment because of his gender identity or expression (§ 24);
3. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel on the basis of merit and qualifications, without regard to gender identity or expression (§ 29);
4. requires state agency services to be performed without discrimination based on gender identity or expression (§ 30);
5. requires any state agency that provides employment referrals or placement services to public or private employers, to reject any job request that indicates an intention to exclude anyone based on his gender identity or expression (§ 31);
6. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds of gender identity or expression (§ 32);
7. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, to be open to all qualified persons, without regard

to gender identity or expression (§ 33); and

8. prohibits gender identity or expression from being considered as limiting factors in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law (§ 34).

### **DISCRIMINATION AGAINST STUDENTS IN PUBLIC SCHOOLS (§§ 8 AND 22)**

Under current law, it is a discriminatory practice for anyone to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges, or immunities, secured or protected by Connecticut or federal laws or constitutions because of religion, national origin, alienage, color, race, sex, blindness, or physical disability. The bill also makes it a discriminatory practice to do so based on someone's gender identity or expression. By doing so, and by prohibiting such discrimination against students in public schools, the bill gives CHRO the authority to investigate claims of discrimination against students on the basis of gender identity or expression by public schools (see BACKGROUND – RELATED CASE).

### **DISCRIMINATION IN OTHER CONTEXTS**

The bill also prohibits discrimination on the basis of gender identity or expression in various other contexts beyond the scope of CHRO's declaratory ruling. Specifically, it:

1. requires that every contract to which the state or any political subdivision of the state, other than a municipality, is a party to require the contractor to agree and warrant that, in the performance of the contract, he will not discriminate or permit discrimination on the grounds of gender identity or expression and that he will take affirmative action to ensure that applicants with job-related qualifications are employed and are treated without regard to their gender identity or expression (§ 3);
2. requires that contracts transferring urban homesteading

property provide, among other things, that in the sale or rental of such property, no person be discriminated against on the basis of gender identity or expression (§ 4);

3. requires the Connecticut Finance Housing Authority(CFHA) to require that occupancy of all housing financed or otherwise assisted under the CHFA Act be open to all persons regardless of gender identity or expression and that the contractors and subcontractors engaged in constructing or rehabilitating such housing take affirmative action to provide equal opportunity for employment without discrimination as to gender identity or expression (§ 5);
4. requires transfers of urban rehabilitation property by legislative bodies to be made pursuant to a contract of sale and rehabilitation that provides, among other things, that, in the sale or rental of such property, people may not be discriminated against because of their gender identity or expression (§ 6);
5. requires municipalities to take all necessary steps to ensure that occupancy of all housing financed or otherwise assisted pursuant to the Municipal Housing Finance Assistance Act be open to all persons regardless of gender identity or expression (§ 7);
6. requires public schools to be open to all children and to give all children an equal opportunity to participate in the activities, programs, and courses of study they offer without discrimination on account of gender identity or expression (§ 8);
7. prohibits local or regional boards of education from discriminating on the basis of gender identity or expression in the employment or compensation of teachers in public schools (§ 9);



8. requires, within the limits of authorized expenditures, the policies of the state system of higher education to be consistent with the goal of ensuring that no qualified person is denied the opportunity for higher education because of gender identity or expression (§ 10);
9. prohibits public libraries from denying equal access to library services on the basis of gender identity or expression (§ 11);
10. prohibits electric suppliers from refusing to provide electric generation services, or refusing to negotiate to provide such services to, any customer because of gender identity or expression (§ 12);
11. prohibits telephone companies or certified telecommunications providers from refusing to provide telecommunications services, or refusing to negotiate to provide such services to, any customer because of gender identity or expression (§ 13);
12. prohibits anyone from discriminating on the basis of gender identity or expression in carrying out any civil preparedness or major disaster or emergency assistance function (§ 14);
13. requires the labor commissioner to formulate work training standards to ensure necessary safeguards for the welfare of apprentices and a full craft experience in any skill, in order to provide equal opportunities to all, without regard to their gender identity or expression (§ 15);
14. requires that the employment rights code tribes must adopt in order to receive state services or funds to include a provision that a commercial enterprise subject to tribal jurisdiction may not, except in the case of a bona fide occupational qualification or need, refuse to hire or employ or bar or discharge from employment any individual or discriminate against him in compensation or in terms, conditions, or privileges of employment because of the individual's gender identity or

expression (§ 16);

15. requires the Lower Fairfield County Conference Exhibition Authority to adopt procedures for contractors and subcontractors engaged in the construction of the project that require them to take affirmative action to provide equal opportunity for employment without discrimination based on gender identity or expression (§ 17);
16. requires that applicants for financial assistance from a regional corporation certify that they will not discriminate against any employee or any applicant for employment because of gender identity or expression (a regional corporation provides financial assistance to businesses for projects that demonstrate a substantial likelihood of providing increases in net new permanent jobs or retaining jobs in businesses that need such financial assistance to remain viable) (§ 18);
17. prohibits auto insurance companies from declining, canceling, or refusing to renew auto insurance policies solely on the basis of gender identity or expression (§ 19); and
18. prohibits golf country clubs from denying membership on the basis of gender identity or expression and requires that all classes of membership be available without regard to gender identity or expression (§ 35).

The bill declares that it is against state policy to oppose discriminatory boycotts fostered or imposed by foreign people, foreign governments, or international organizations against any domestic individual on the basis of gender identity or expression (§ 20).

The bill defines “participating in a discriminatory boycott” to include entering into or performing any agreement, understanding, or contractual arrangement for economic benefit by any person with any foreign government, foreign person, or international organization, not specifically authorized by federal law, and required or imposed to

restrict, condition, prohibit, or interfere with any business relationship in Connecticut on the basis of a domestic gender identity or expression (§21).

## **BACKGROUND**

### ***CHRO Declaratory Ruling***

On January 31, 2000, CHRO received a petition seeking a ruling that the statutory prohibitions against discrimination on the basis of sex encompass discrimination based upon a person's apparent gender, specifically discrimination against transsexual individuals. The request asked that CHRO find such prohibitions in CGS §§ 46a-60(a) (1) (employment discrimination), 46a-64(a) (1) (public accommodations), 46a-64c (a) (1) (housing discrimination) and 46a-66(a) (credit discrimination).

In response to the request, CHRO issued a declaratory ruling on November 9, 2000 that transsexuals, as defined in the ruling, are covered by these statutes. It also stated in footnote 13 of the ruling that the ruling should be understood to apply uniformly to all other sex discrimination laws over which CHRO has jurisdiction.

### ***Related Cases***

In a case decided before CHRO issued its declaratory ruling, a Superior Court judge ruled that Connecticut's prohibition against harassment on the basis of sex did not extend to transsexuals (*Conway v. City of Hartford*, 1997 WL 78585 \*7, No. CV-95-0553003, J.D. of Hartford-New Britain at Hartford (February 4, 1997) (Hale, J.R.)). In its declaratory ruling, CHRO noted that although it normally looks to Superior Court decisions for guidance in interpreting the laws it enforces, especially in the absence of any other state precedent, it is not required to do so. In its ruling, CHRO also noted that *Conway* recognizes that transsexuals may properly pursue claims of discrimination based on mental disorder. But CHRO declined to issue a ruling on that issue in its declaratory ruling.

In another case, the state Supreme Court held that CHRO has

jurisdiction to investigate claims of racial discrimination filed by students against a public school because CGS § 46a-58 prohibits racial discrimination, and CGS § 10-15c makes public schools open to all students without discrimination on the basis of race (*Commission on Human Rights and Opportunities v. Board of Education*, 270 Conn. 665 (2004)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea    29    Nay   4    (03/14/2007)